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ABSTRACT

An excerpt from the South Dakota Board of Regents Policy Manual, this publication defines the system-wide policies aimed at improving the quality of student life regarding aggressive conduct, alcohol, marijuana and controlled substance abuse and possible disciplinary measures relating thereto. Throughout, the document is framed in formal, legal language and organization. System wide disciplinary proceedings (hearings, etc.) are treated first. In the next section, aggressive conduct and harassment are defined and prohibited. A section on disciplinary sanctions for aggressive conduct or harassment lists types of sanctions, and the conditions which disciplinary measures must meet. A section on alcohol and other drugs begins by stating that when infractions would constitute a felony under state law, referral to law enforcement authorities is mandated. There follow sections on individual conduct and on the regulation of student organizations. The next section details disciplinary sanctions for individuals who violate alcohol and other drug policies. A final section describes the disciplinary measures for infractions of the regulations governing student organizations. (JB)

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SOUTH DAKOTA BOARD OF REGENTS
SYSTEMWIDE QUALITY-OF-LIFE POLICIES

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- encourage the use of the ERIC system by Network member institutions;
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SOUTH DAKOTA BOARD OF REGENTS
SYSTEMWIDE QUALITY-OF-LIFE POLICIES

The Board of Regents has adopted the following policies to improve the campus quality of student life regarding aggressive conduct; alcohol, marijuana and controlled substance abuse; and possible disciplinary measures relating thereto. The following excerpts are from Chapter 10 of the Board of Regents Policy Manual.

10.1.10 Systemwide Disciplinary Proceedings

I. Students enrolled in a Regental institution will be held accountable for their conduct while visiting other Regental institutions. Students may be required, as a condition of continued enrollment, to report at their own expense to another campus to appear before a disciplinary hearing and to answer charges based on their conduct while at that campus.

II. Any discipline imposed in response to campus or Regental regulations will be given systemwide effect. A student suspended at one institution will not be able to enroll in the meantime at another. A student who has been expelled from one Regental institution may not be enrolled at another.

III. When a student is brought forward on disciplinary charges by a university, punishment will be determined under local standards. This punishment may, at the discretion of local authorities and pursuant to local procedural regulations, include punishments more severe than the minimum punishments set forth in systemwide policy; except that no discretionary recommendation for suspension or expulsion may be imposed without the concurrence of the chief student affairs officer from the student's home campus.

10.1.11 Aggressive Conduct or Harassment

A. Students who resort to physical aggression, other than in self-defense, will be subject to disciplinary measures.

1. "Aggression" means, not only intentional infliction of harm, but also conduct that intentionally subjects another to unwelcome, offensive physical contact or that puts another person in reasonable fear that the actor intends immediately to subject that person to intentional injury or unwelcome, offensive touching.

B. Students who, for whatever reason, harass other persons, whether students, visitors, or university employees, will be subject to discipline.

1. "Harassment" means

(a) Sexual harassment, racial harassment or harassment on other grounds that contravene the provisions of the South Dakota Human Relations Act of 1972, or

(i) This provision is violated where a student's conduct toward another person has the purpose of creating an intimidating, hostile or demeaning environment for that person because of his gender, race, or other protected characteristics in order to interfere with that person's ability to participate in or to realize the intended benefits of a university activity, employment or resource.

(b) Other conduct that is extreme and outrageous exceeding all bounds usually tolerated by polite society and that has the purpose or the substantial likelihood of interfering with another person's ability to participate in or to realize the intended benefits of a university activity, employment or resource.

(i) The interference described hereunder may be, either direct, or indirect, through the creation of an intimidating, hostile or offensive environment.

2. Where such harassment is intended or where the course of conduct is taken in reckless disregard to the likelihood that the harassment will result, the actor will be disciplined.

10.1.12 Disciplinary Sanctions

A. When institutional or Regental conduct regulations are violated, sanctions may be imposed by the institution to promote responsible student self-direction. Such sanctions may include, but are not limited to, the following:

1. Restitution of damages;
2. Assessment of appropriate monetary penalty;
3. Forms of censure;
4. Forms of disciplinary probation;
5. Suspension or expulsion from the institution.

Special regulations addressing offenses against Regental alcohol, marijuana and controlled substances policies may be found in article 10.3 of the policy manual.

B. Discipline for aggressive conduct or harassment shall be subject to the following conditions:

1. Discipline on the first occasion may include expulsion where appropriate given the nature of the aggressive conduct or harassment.

2. If there is a second occurrence of an infraction of the same nature at any time during the student's career in South Dakota public higher education, expulsion will be mandatory.

3. Where the aggressive conduct would constitute a criminal offense under South Dakota law, the matter will be reported promptly to local police authorities.

4. In disciplinary proceedings involving aggressive conduct or harassment, the fact that a student acted while under the influence of alcohol, marijuana or an illegal controlled substance will not be considered a mitigating factor.

5. Intoxication may be considered an aggravating factor in proceedings involving aggressive conduct or harassment, and it will be so considered where the student has a history of prior violations of alcohol, marijuana or controlled substance regulations.

ALCOHOL, MARIJUANA AND CONTROLLED SUBSTANCES

Where the central facts of the infraction of the alcohol, marijuana and controlled substances policy would constitute a felony offense under South Dakota law, the referral to law enforcement authorities is mandated.

REGULATION OF INDIVIDUAL CONDUCT

The recommended systemwide sanctions will come into play with the second infraction of alcohol policies. Institutions may, at their discretion, on a first infraction and any infraction thereafter, arrange for substance abuse assessment.

10.3 ALCOHOL, MARIJUANA AND CONTROLLED SUBSTANCES

10.3.1 Regulation of Individual Conduct

The manufacture, sale, possession, and consumption of alcohol, marijuana or controlled substances by students is prohibited on any property controlled by the Board of Regents and in connection with any institutionally sponsored activity; except that alcohol may be served at social activities held in other locations subject to the restrictions established under state law and the additional restrictions set out in this article.

Each institution will adopt regulations and procedures for the enforcement of Regental alcohol, marijuana and controlled substances policies. These regulations may be more restrictive than those set forth herein and may mandate substance abuse assessment or treatment at the student's expense.

10.3.2 Regulation of Student Organizations

The privileges of official recognition by South Dakota public universities may be extended to student organizations including those that maintain residences for their members only if such organizations agree to adopt and to enforce policies that, at minimum:

A. Prohibit the possession, use or dispensing of alcoholic beverages at organizational functions or in the organizational residence by persons under the age of 21 and the provision of alcoholic beverages to persons under the age of 21;

B. Prohibit the manufacture, possession, use or dispensing of marijuana or illegal controlled substances at organizational functions or in the organizational residence;

C. Prohibit the expenditure of organizational funds on alcoholic beverages, marijuana or illegal controlled substances;

D. Prohibit the informal collection from the members or residents of monies to be spent on alcoholic beverages, marijuana or illegal controlled substances;

E. Require that whenever S 10.3.2(A) permits consumption of alcoholic beverages at organizational functions or in the organizational residence, the function must adhere to the Regental guidelines for alcohol usage set out in S 15.1.2(E);

F. Establish disciplinary policies and sanctions regarding violations by individual members or residents no less stringent than those set forth under Regental policies, except that limited use of alcoholic beverages is permissible as set out above, and except that, in lieu of suspension or expulsion, the organization shall suspend or revoke the privileges of membership, including residence privileges;

G. Require that a report be filed with the chief student affairs officer each semester identifying all actions taken pursuant to the disciplinary policies required herein;

H. Institutions may impose additional or more restrictive conditions on official recognition.

10.3.3 Disciplinary Sanctions for Infractions of S 10.3.1 (Alcohol, Marijuana and Controlled Substances)

A. Discipline for the initial infraction will be determined under local regulations which may provide for mandatory substance abuse assessment.

B. If a student commits a second offense under the alcohol, marijuana and controlled substances policy, the student will be fined $100.00 and placed on disciplinary probation.

C. If the student commits a third alcohol, marijuana or controlled substances offense, the student will either be suspended for one semester, or, in compelling circumstances, permitted to continue attendance subject to disciplinary probation while participating in an approved substance abuse treatment program at the student's expense.

D. The foregoing sanctions, together with such actions as may be imposed pursuant to local regulations for initial infractions, are minimum sanctions. The reference to them does not preclude the institution from imposing more severe sanctions at any level, including expulsion, where the facts and circumstances of the infraction warrant such action.

E. Where an infraction of Regental alcohol, marijuana or controlled substances policies appears also to constitute a criminal offense under South Dakota or federal law, the university may refer the matter to law enforcement authorities. Where the facts suggest a felony offense, such referral shall be mandatory. Referral of a matter to law enforcement authorities shall not require suspension of disciplinary proceedings nor delay imposition of discipline.

10.3.4 Disciplinary Measures for Infractions of S 10.3.2

When an officially recognized student organization has abrogated any of the conditions of recognition established under 10.3.2, it shall be disciplined as follows:

A. On the first offense the organization will be required to forego the use of alcohol at any of its functions, to remove all alcohol from the residence, or both, for one calendar year from the date on which this discipline is imposed. Additionally, the organization may lose the right to conduct social functions for a like period of time or, at the discretion of local officials, may incur additional sanctions including the loss of recognition.

B. A second offense within four years against any of the conditions of recognition or a violation of a sanction imposed following a first infraction will result in the suspension of the privilege to solicit and to accept new members for one calendar year from the time the sanction is imposed and may result in the loss of recognition.

C. A third offense will result in the loss of recognition.

D. In monitoring the enforcement of the foregoing conditions, the universities shall advise student organizations promptly whenever they learn of infractions in order to afford the affected organizations an opportunity to initiate appropriate disciplinary measures. Imposition of disciplinary measures by a student organization will not prevent a university from imposing institutional disciplinary measures as it deems appropriate.

E. Where the universities find cause to impose a discipline, they shall notify the affected organizations in writing of the basis for that belief. The organizations shall then be afforded an opportunity to respond to such charges prior to the imposition of any sanction contemplated hereunder.